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10 Attorneys for Defendant ALAMEDA  
11 COUNTY MEDICAL CENTER

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 JOHN HUTCHENS, ZAMORA MOTON, ) Case No.: 07 CV 05600 SBA  
15 Plaintiffs, ) Related case: 06 CV 06870 SBA  
16 vs. )  
17 ALAMEDA COUNTY MEDICAL CENTER, )  
18 and DOES 1-20, )  
Defendants. )  
Complaint filed on November 2, 2007  
19 \_\_\_\_\_)

ALAMEDA COUNTY MEDICAL  
CENTER'S  
**NOTICE OF WITHDRAWAL OF  
MOTION TO DISMISS ORIGINAL  
COMPLAINT WITHOUT PREJUDICE**

20 TO PLAINTIFFS AND ALL OTHER PARTIES AND THEIR ATTORNEYS OF  
21 RECORD:

22 PLEASE TAKE NOTICE THAT defendant ALAMEDA COUNTY MEDICAL  
23 CENTER (hereafter "ACMC") will and hereby does withdraw, without prejudice, its motion to  
24 dismiss all causes of action alleged in the Complaint for Damages and Injunctive Relief. After  
25 ACMC filed its motion to dismiss, plaintiffs JOHN HUTCHENS, ZAMORA MOTON and BABY  
26 S. (hereafter "Plaintiffs") filed an Amended Complaint for Damages and Injunctive Relief  
27 (hereafter "Amended Complaint") on March 4, 2008. ACMC disputes that the Amended

1 Complaint cures the defects ACMC identified in its original motion to dismiss, and ACMC  
2 withdraws its motion to the original Complaint without prejudice to filing another motion to  
3 dismiss any or all claims in the Amended Complaint, whether on the same or different grounds as  
4 previously asserted in ACMC's motion to dismiss the original Complaint.

5 DATED: March 13, 2008

6 BOORNAZIAN, JENSEN & GARTHE  
A Professional Corporation

7  
8 By: \_\_\_\_\_ /s/ Jill Sazama, Esq.  
9 JILL P. SAZAMA, ESQ.  
10 Attorneys for Defendant  
ALAMEDA COUNTY MEDICAL  
11 CENTER  
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## **PROOF OF SERVICE BY ELECTRONIC SERVICE**

I, the undersigned, declare as follows:

I am employed in the County of Alameda, State of California. I am over the age of 18 years and not a party to the within action. My business address is 555 12th Street, Suite 1800, P. O. Box 12925, Oakland, California 94604-2925.

On the date indicated below, at the above-referenced business location, I served the

**ALAMEDA COUNTY MEDICAL CENTER'S NOTICE OF WITHDRAWAL OF  
MOTION TO DISMISS THE ORIGINAL COMPLAINT** on the below-named party and  
caused said document to be transmitted using ECF as specified by General Order No. 45 to the  
following party:

Frances S. Kaminer, Esq.  
Walter K. Pyle, Esq.  
LAW OFFICES OF WALTER K. PYLE  
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Telephone: 510-849-4424

**Attorneys for Plaintiffs  
JOHN F. HUTCHENS, and BABY S.A., by  
John F. Hutchens**

David Beauvais, Esq.  
Arkady Itkin, Esq.  
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1904 Franklin Street, Suite 800  
Oakland, CA 94612  
Telephone (510) 832-3605

**Attorneys for Plaintiff  
ZAMORA MOTON**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Oakland, California, on March 13, 2008.

Carmen Kalt

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